

REMARKS

Reconsideration of the subject application in view of the present amendment is respectfully requested.

By the present amendment, Claim 26 has been cancelled, Claims 39-40 have been added, and Claims 27-29, 31, 32, 34 and 36-38 have been amended to provide their proper dependency.

Based on the foregoing amendments and the following remarks, the application is deemed to be in condition for allowance, and action to that end is respectfully requested.

The Examiner has rejected Claims 26-29, 31-34 and 36 under 35 U.S.C. § 103(a) as being unpatentable over Stockl, U.S. Patent No. 3,699,926 (Stockl) in view of Dungl, U.S. Patent No. 4,329,981 (Dungl). The Examiner has rejected Claim 30 under 35 U.S.C. § 103(a) as being unpatentable over Stockl in view of Dungl and further in view of Myrvold, U.S. Patent No. 5,619,832 (Myrvold). The Examiner has rejected Claims 37 and 38 under 35 U.S.C. § 103(a) as being unpatentable over Stockl in view of Dickens et al., U.S. Patent No. 4,478,901 (Dickens). It is respectfully submitted that Claims 27-34 and 36-40 are patentable over the cited references.

Specifically, Claim 40 recites that the third projections have a load-dependent increasing characteristic line of rigidity whereby a progressive cushioning characteristic of third projects is obtained (support for this language is found on page 3, lines 7-9 and page 4, lines 5-3, from the bottom of the page.

With a progressive cushioning characteristic which results from a progressively increasing characteristic line of rigidity, the floor covering provides the same, optimal, support for persons having different weights.

A floor covering with third projections have a load-dependent increasing characteristic line of rigidity is not disclosed or suggested in the prior art including Stockl.

Generally, Stockl does not disclose a floor covering with three sets of different projections. Third “projections” in Stockl are formed in a stressed state of the covering (column 2, lines 16-20). Stockl does not disclose existence of third projections “in an unstressed state of the floor covering,” as recited in Claim 40.

The case law holds that “All words in a claim must be considered in judging the patentability of that claim against the prior art.” In re Wilson, 165 USPQ 494,496 (CCPA 1970).

Further, Stockl does not disclose third projection having a load-dependent increasing characteristic line of rigidity, as also recited in Claim 40.

It is noted that Stockl, the alleged “third projections” even do not reach the floor, as the air and liquid are present between the mat and the underling floor (column 2, lines 22-25).

Even assuming, *arguendo*, that Stockl and Dungal are combined, the combination would still lack “third projections provided on the underside . . . and having, in an unstressed state of the floor covering a height smaller than a height of the second projections “and having” a load-dependent increasing characteristic line of rigidity,” as recited in Claim 40.

Since all claim limitations must be considered in an obviousness determination, and since the combination of Stockl and Dungal fails to disclose several of the important and recited elements and features of independent Claim 40, it is respectfully submitted that the present invention, as defined by Claim 40, is not rendered obvious by the combination of Stockl and Dungal and is therefore, patentably defines over said combination.

Claims 27-34, 36-38 and 40 depend on Claim 40 and are likewise allowable.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance, and allowance of the application is respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects, in order to place the case in condition for final allowance, then it is respectfully requested that such amendment or correction be carried out by Examiner's amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, the Examiner is invited to telephone the undersigned.

Respectfully Submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail and addressed to: Mail Stop RCE, Commissioner for Patents, Alexandria, VA 22313-1450 on October 31, 2003.

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